

708 625  
EASEMENT AND RIGHT OF WAY

THIS INDENTURE, made this 18th day of April, 1984, between Wendell M. Hunt and Margaret A. Hunt, husband and wife, and John G. Hickey and Darlene B. Hickey, husband and wife, hereinafter referred to as "Grantors", and Metropolitan Utilities District of Omaha, a Municipal Corporation, hereinafter referred to as "Grantee", WITNESSETH:

That Grantors, in consideration of the sum of Three Hundred and No/100 -----Dollars (\$ 300.00 ), receipt of which is hereby acknowledged, do hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, an easement and right of way to lay, maintain, operate, repair, relay and remove, at any time, a pipeline for the transportation of water, and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

Permanent Easement

A parcel Ten (10) feet wide and measured at right angles to the southerly line of said parcel located in the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Eight (8), Township Sixteen (16) North, Range Thirteen (13) East of the Sixth Principal Meridian in Douglas County, Nebraska, said southerly line being more particularly described as follows:

Commencing at the West Quarter corner of said Section 8; thence South along the West line of the Southwest Quarter of said Section 8 a distance of 1,035.42 feet; thence South 49°02'34" East a distance of 850.65 feet along the right-of-way centerline of Calhoun Road to a point of curve; thence Southeasterly along a circular curve to the left having a central angle of 6°06'00", a radius of 1,146.3 feet and an arc length of 122 feet a distance of 89 feet to a point of tangency; thence Northeasterly a distance of 33 feet measured at right angles to said tangent to the point of beginning; thence Southwesterly along the Calhoun Road right-of-way line a distance of 87 feet plus or minus to the centerline of Ponca Creek and point of ending.

Said parcel contains 0.02 of an acre, more or less, and is shown on the attached plat which is made a part hereof by this reference.

Temporary Easement

A parcel located in the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest (SW $\frac{1}{4}$ ) of Section Eight (8), Township Sixteen (16) North, range Thirteen (13) East of the Sixth Principal Meridian in Douglas County, Nebraska, said parcel being more particularly described as follows:

Commencing at the West Quarter corner of said Section 8; thence South along the West line of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section 8 a distance of 1,035.42 feet; thence South 49°02'34" East a distance of 850.65 feet along the right-of-way centerline of Calhoun Road to a point of curve; thence Southeasterly along a circular curve to the left having a central angle of 6°06'00", a radius of 1,146.3 feet and an arc length of 122 feet a distance of 100 feet to a point of tangency; thence Northeasterly a distance of 43 feet measured at right angles to said tangent to point of beginning; continuing along same line a distance of 40 feet to a point; thence Southeasterly along a line parallel to said right-of-way centerline a distance of 72 feet plus or minus to the centerline of Ponca Creek; thence Southwesterly along centerline of said creek to a point where creek centerline intersects a line which is 43 feet Northeasterly from, parallel to and measured at right angles to said right-of-way centerline; thence Northwesterly along a line which is 43 feet Northeasterly from, parallel to and measured at right angles to said right-of-way centerline a distance of 76 feet, plus or minus, to the point of beginning.

Said tract contains 0.07 of an acre, more or less, and is shown on the attached plat which is made a part hereof by this reference.

TO HAVE AND TO HOLD said easement and right of way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. The Grantors agree that neither they nor their successors or assigns will at any time erect, construct or place on or below the surface of said permanent easement tract of land any building or structure, except pavement and other utilities, and they will not give anyone else permission to do so. The Grantors agree that neither they nor their successors or assigns will at any time during the 120 days following March 1, 1984, or at any time prior thereto, erect, construct or place on or below the surface of said temporary easement tract of land any building or structure, or otherwise impede or interfere with construction work on said temporary easement tract, nor will they give anyone else other than other utilities and the County of Douglas permission to do so.

2. The Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour thereof and as soon after such work is performed as may be reasonably possible to do so, the only exception to said restoration or replacement obligation being that of trees and shrubbery, which shall not be restored or replaced. It is anticipated that only two to three trees are to be removed.

3. Nothing herein contained shall be construed as a waiver of any rights of the Grantors, or duties and powers of the Grantee, respecting the ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

4. It is further agreed the Grantors have lawful possession of said real estate, good right and lawful authority to make such conveyance and their executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the Grantee forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

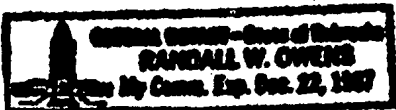
IN WITNESS WHEREOF, the Grantors have caused this easement and right of way to be signed and executed on the day and year first above written.

Wendell M. Hunt  
Margaret A. Hunt  
John G. Hickey  
Darlene B. Hickey  
Grantors

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

On this 18th day of APRIL, 1984, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came Wendell M. Hunt and Margaret A. Hunt, husband and wife, to me personally known to be the identical persons whose names are affixed to the foregoing instrument, and he/she/they acknowledged the execution of this instrument to be his/her/their voluntary act and deed and the voluntary act and deed of each of them.

Witness my hand and Notarial Seal the day and ~~year~~ last above written.



Randall W. Owens  
Notary Public

STATE OF NEBRASKA)

) ss

COUNTY OF DOUGLAS)

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On this 12<sup>TH</sup> day of APRIL, 1984, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally came John G. Hickey and Darlene B. Hickey, husband and wife, to me personally known to be the identical persons whose names are affixed to the foregoing instrument, and he/she/they acknowledged the execution of this instrument to be his/her/their voluntary act and deed and the voluntary act and deed of each of them.

Witness my hand and Notarial Seal the day and year last above written.



Randall W. Owens  
Notary Public

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(BRASS CAP)  
W. 1/4 CORNER,  
SEC. 8, T. 16N, R. 13E.

CALHOUN

~~PONCA~~

S.W. 1/4 SEC. 8 T.16 N. R.13 E.  
PT. T.L. 4 72'±

**TEMPORARY  
EASEMENT-**

POINT OF BEGINNING FOR  
TEMP. EASE.

**10' M.U.D. PERMANENT  
EASEMENT**


## PROJECT 6

**R.D.**

DRAWN BY RAJAN DATE 2/6/84  
 CHECKED BY P.J.S. DATE 2/7/84  
 APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 REVISED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 REV CHKD BY \_\_\_\_\_ DATE \_\_\_\_\_  
 REV APPROV BY \_\_\_\_\_ DATE \_\_\_\_\_

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**LEGEND**

PERMANENT EASEMENT	
TEMPORARY EASEMENT	

TOTAL TEMP.ACRE 0.07  
TOTAL PERM.ACRE 0.02

LAND OWNER WENDELL  
M. HUNT 11912 PONCA  
RD. OMAHA, NEBRASKA  
68112

EASEMENT  
ACQUISITION  
FOR W.C.H. 6312

**METROPOLITAN  
UTILITIES  
DISTRICT  
OMAHA, NEBRASKA**

RECEIVED.  
1984 APR 18 PM 2:38  
C. HAROLD GISTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

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~~7-20-80~~  
~~Index~~  
~~Completed~~  
~~8-16-83~~  
~~W~~

8-16-13